



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/536,051	03/27/2000	Takayuki Katoh	00191/LH	5649

7590 02/17/2004

Frishauf Holtz Goodman Langer & Chick PC  
Leonard Holtz  
767 Third Avenue  
25th Floor  
New York, NY 10017-2023

EXAMINER

GRANT II, JEROME

ART UNIT

PAPER NUMBER

2626

DATE MAILED: 02/17/2004

5

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/536,051

Applicant(s)

KATOH

Examiner

Jerome Grant II

Art Unit

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-7,10,11,13-19,21 and 22 is/are rejected.
- 7) ☒ Claim(s) 4,8,9,12 and 20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

Art Unit: 2626

1. Informality

In claim 18, line 2, change "leas" to -least-.

**Detailed Action**

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-3, 5-7, 10, 11, 13-19, 21 ad 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Janssen.

Art Unit: 2626

With respect to claim 1, Janssen teaches a textile printing apparatus, shown by figure 1a, comprising: inputting means for inputting image data, see col. 11, lines 42-47; a display (taught at col. 17, lines 60-64); image processing means (program module 80, color kitchen 40, printer program module 90), for applying image processing to the image so as to make colors of the image indicated on the display close to desired colors; and a printer 100 to print the image on a fabric (col. 1, lines 19-25) based on the image data applied with the image processing by the image processing means shown in figure 1b.

With respect to claim 2, Janssen teaches wherein the image processing means (purified stock solutions) applies a first color converting processing to the image data inputted by the inputting means in accordance with a kind of the fabric (col. 4, lines 30-34) and indicates the image on the display (col. 17, lines 60-64) based on the image data applied with the color converting processing, the image processing means applies a converting processing (which permits same standard colorants 20 to be used) to the image data applied with the image processing (purified stock solution 30) by the image processing means in accordance with the kind of the fabric; and printer 100 for printing the image on the fabric as claimed.

Art Unit: 2626

With respect to claim 3, Janssen teaches a memory 112 for storing a first color converting table 111 to apply the first color converting processing and information to apply the converting processing, wherein the image processing means (printer program module 90) applies the first color converting processing based on the first color converting table (111) stored in the memory 112 and applied the converting processing based on the information stored in the memory.

With respect to claim 5, Janssen teaches image processing means 90 which applies the first converting processing to the image data inputted by the inputting means (col. 11, lines 42-47) based on the first color converting table in accordance with the kind of fabric, see col. 4, lines 30-34.

With respect to claim 6, Janssen teaches wherein the converting processing is a second color converting processing (performed by any of purified stock (n) modules ) in accordance with the kind of the fabric.

With respect to claims 7 and 13, Janssen teaches wherein the converting processing is a second color converting processing in accordance with the kind of the fabric (col. 4, lines 30-34) and the information is a second color converting table to apply the second color converting process. The second process is the other of plural purified stock solution 30.

Art Unit: 2626

With respect to claim 10, Janssen teaches transmitting means for transmitting the color measuring color patch printed on the fabric by the printer. This corresponds to the spot coloring. See col. 18, line 58 - col. 19, line 4; and receiving means 110 for receiving the first color converting table to apply the first color converting processing and the information to apply the converting process in accordance with the type of fabric, see col. 4, lines 30-34, wherein the image processing means 90 applies the first color converting process based on the first color converting table 111 received by the receiving means and applies the converting processing based on the information received by the receiving means 110.

With respect to claim 11, Janssen teaches a module 90 for setting a ratio of mixing different colors of ink.

With respect to claim 14, Janssen teaches wherein the image processing means 90 applies a color processed via first color conversion table 111 in accordance with the kind of fabric received by the receiving means 110.

Art Unit: 2626

With respect to claim 15, Janssen teaches wherein the image processing means 90 applies the second color converting means (the other of n colors) based on the second color converting table 111 in accordance with the kind of the fabric received by receiving means 110.

With respect to claim 16, Janssen teaches a ink jet printer 1000, see also step 608 of figure 6.

With respect to claim 17, Janssen teaches receiving means (according to col. 11, lines 42-47) for receiving data obtained by measuring colors of a color patch (spot coloring) by spraying plural different color inks on to a fabric (see col. 18, line 58 to col. 19, line 4; determining means (modules 90) for producing ink spraying data (spot coloring for mixing of colors) corresponding to the kind of fabric to be printed based on received data (see col. 4, lines 30-34) see also col. 20, lines 18-22) and transmitting means (ink jet nozzles taught at col. 20, line 60) for spraying the data.

With respect to claim 18, Janssen teaches wherein the ink spraying data includes a color manager 90 for mixing ratio of different color inks.

With respect to claim 19, Janssen teaches wherein the determining means produces the ink spraying data by changing ink spraying data predetermined in accordance with a kind of fabric.

Art Unit: 2626

The user determines the different ink spray characteristics by performing spot printing according to col. 18, lines 56-67.

With respect to claim 21, Janssen teaches a determining means 90 which produces a color conversion table 111 corresponding to the kind of fabric as the ink spraying data, see col.4, lines 30-34.

With respect to claim 22, Janssen teaches wherein the printer is an ink jet printer 100, see 608 according to figure 6.

### **Objected Claims**

3. Claims 4, 8, 9, 12 and 20, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.



Art Unit: 2626

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerome Grant II whose telephone number is 703-305-4391. The examiner can normally be reached on Mon.-Fri. from 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Williams, can be reached on (703) 305-4863. The fax phone number for the organization where this application or proceeding is assigned is 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 305-3900.

J. Grant II

